

1 Don Thacker, WSB #15708
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6 360-993-2918 – Facsimile
7 Chapter 7 Trustee

Hon. Brian D. Lynch
In Proceedings Under
Chapter 7
Hearing Date: December 1, 2015
Hearing Time: 9:00 AM
Hearing Location: 500 W 12th St
2nd Floor
Vancouver WA
Response Date: November 24, 2015

8 IN THE UNITED STATES BANKRUPTCY COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

10 In re:) Case No. 15-40256
11)
12 MACK WORLEY, JR.,)
13)
14 Debtor.)
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**TRUSTEE'S MOTION FOR ORDER
APPROVING SALE OF REAL AND
PERSONAL PROPERTY**

**MOTION FOR ORDER APPROVING
REAL ESTATE COMMISSION**

The Trustee requests an Order approving the sale of the Estate's interest in real property.

The Trustee represents to the Court as follows:

1. This case was filed on January 26, 2015. Don Thacker is the duly appointed interim Chapter 7 Trustee in this case.

2. The real property being sold is undeveloped raw land located at : RP 62N03E335101 A, Moyie Springs, Idaho ("Subject Property"). A full legal description for the real property is attached as Exhibit "1".

3. The Trustee hired Jim Greenslitt to assist the Trustee in liquidating the Subject Property. The Trustee has received an offer from E.C. Enterprises Inc., to purchase the Subject Property for a purchase price of \$299,000.00.

4. This is the best offer the Trustee has received for the Subject Property. The

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1 Trustee seeks approval of this transaction to this particular buyer(s), or a replacement buyer(s),
2 purchased under terms that result in the identical net proceeds to the Chapter 7 estate. The
3 Subject Property has been on the market since September 2015. This is the Trustee's first attempt
4 to sell the Subject Property.

5 5. Copies of the Residential Real Estate Purchase and Sale Agreement are
6 voluminous and are available from the Trustee upon written request. Attached as Exhibit "2" is a
7 copy of the estimated Settlement Statement.

8 6. The sale will close through Community Title LLC. Community Title LLC will be
9 acting as the Trustee's authorized agent to make disbursements for administrative expenses
10 pertaining to this sale, as well as payments on liens and encumbrances against the Subject
11 Property. All disbursements in this transaction made by Community Title LLC will be constructive
12 disbursements on behalf of the Chapter 7 Trustee and the Chapter 7 estate.

13 7. This transaction is not a short sale. Liens will be paid as follows:

14 a. **Dorothy Mincher.** The first mortgage holder as listed on the Title
15 Report is Dorothy Mincher ("Mincher"). Mincher will receive approximately \$220,053.69 to fully
16 satisfy her lien. Mincher will be served via her attorney with a copy of this Motion and Notice of
17 Hearing.

18 8. **Realtor's Compensation and Statement of Services.** Jim Greenslitt, the
19 Trustee's realtor, seeks \$17,940.00 as a commission for facilitating this short sale.

20 9. **Benefit of the sale.** The subject property is owned 50/50 by the Debtor and
21 his sister. From the approximately \$56,992.99 sale proceeds, the Debtor's sister will receive one-
22 half or approximately \$28,496.49. The Debtor claimed as exempt \$10,000.00 in proceeds. The
23 estate should realize, therefore, net sale proceeds of approximately \$18,496.95 to distribute in this
24 case.
25

1 10. The Trustee requests that the 14 day limitation for sale prescribed by Fed R. BKR
2 6004(h) shall not apply.

3 11. Attached as Exhibit "3" is a proposed Order.

4 WHEREFORE, the Trustee requests an Order as follows:

- 5 1. Approving the Trustee's sale of the Subject Property as described
6 more fully above;
- 7 2. Approving payment of commissions to Jim Greenslitt of \$17,940.00 directly
8 from closing;
- 9 3. Authorizing Community Title LLC, as the disbursing agent
10 of the Trustee, to pay all other fees and costs associated with the sale, as
11 well as payments on liens and encumbrances against the Subject Property;
- 12 4. Directing the title company to forward all remaining funds after costs of
13 sale and underlying liens and encumbrances, to Don Thacker, Trustee
14 in Bankruptcy; and
- 15 5. Directing that the 14 day limitation for sale prescribed by Fed R. BKR
16 6004(h) shall not apply.

17 DATED this 3 day of November, 2015.

18 /s/ Don Thacker
19 Don Thacker, WSB #15708
20 Chapter 7 Trustee
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